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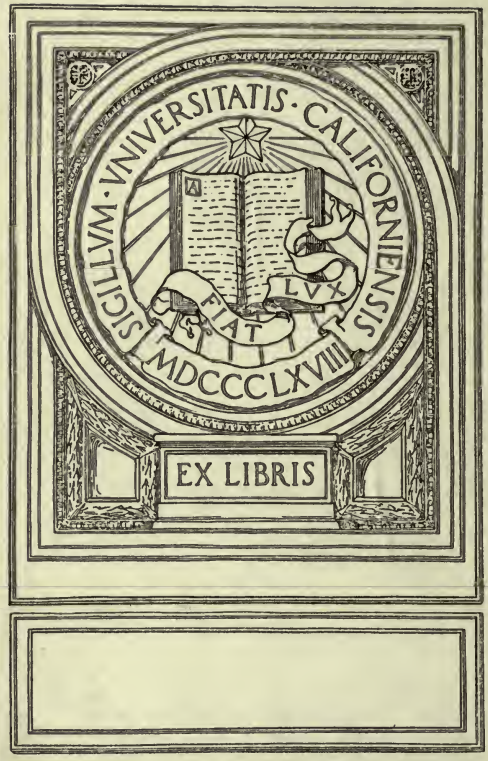
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Minutes of a Conference between the Labor Committee of the Association of Railway Executives

and the

Associated Standard Recognized Railroad Labor Organizations

Held at 2048 Transportation Bldg., Chicago, Illinois,
Saturday, June 5, 1920, at 2 P. M.

Reprinted by the

Association of Railway Executives

61 Broadway, New York City

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CALIFORNIA

The committee representing the Associated Standard Recognized Railroad Labor Organizations, was composed of:

W. S. STONE, Grand Chief Engineer, Brotherhood of Locomotive Engineers.

L. E. SHEPPARD, President, Order of Railroad Conductors.

S. E. HEBERLING, President, Switchmen's Union of North America.

LOUIS WEYAND, Acting International President, International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America.

JAMES BURNS, Representing Amalgamated Sheet Metal Workers' International Alliance.

J. P. NOONAN, International President, International Brotherhood of Electrical Workers.

TIMOTHY SHEA, Assistant President, Brotherhood of Locomotive Firemen and Enginemen.

W. N. DOAK, Vice-President, Brotherhood of Railroad Trainmen.

J. F. ANDERSON, International Vice-President, International Association of Machinists.

J. W. KLINE, General President, International Brotherhood of Blacksmiths, Drop Forgers and Helpers.

MARTIN F. RYAN, General President, Brotherhood Railway Carmen of America.

E. J. MANION, President, Order of Railroad Telegraphers.

F. GRABLE, Grand President, United Brotherhood of M. of W. Employees and Railroad Shop Laborers.

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E. H. FITZGERALD, Acting Grand President, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

D. W. HOLT, President, Brotherhood of Railroad Signalmen of America.

TIMOTHY HEALY, President, International Brotherhood of Stationary Firemen and Oilers.

B. M. JEWELL, President, Railway Employees' Department American Federation of Labor.

G. W. EASTTY, Vice Grand President, Brotherhood of Railway and Steamship Clerks.

The committee of the Association of Railway Executives consisted of the following:

W. W. ATTERBURY, Vice President, P. R. R. Co. (Chairman).

W. G. BESLER, President, C. R. R. Co. of N. J.

C. R. GRAY, President, Union Pacific System.

HALE HOLDEN, President, C. B. & Q. R. R. Co.

J. H. HUSTIS, President, Boston & Maine R. R. Co.

E. E. LOOMIS, President, Lehigh Valley R. R. Co.

N. D. MAHER, President, Norfolk & Western Ry. Co.

C. H. MARKHAM, President, Illinois Central R. R. Co.

J. H. YOUNG, President, Norfolk Southern R. R. Co.

ROBERT S. BINKERD, Assistant to the Chairman, Association of Railway Executives.

The meeting was called to order by General W. W. Atterbury, Vice-President of the Pennsylvania Railroad Company, who acted as Chairman.

THE CHAIRMAN: Gentlemen: In order to complete the file, and that we may be familiar with the proceedings, as well as the preceding history of this question, I would like to ask our Secretary, Mr. Binkerd, if he will read Mr. Cuyler's letter addressed to Mr. Jewell, making the suggestion, and then have him read Mr. Jewell's reply, as well as Mr. Cuyler's answer to Mr. Jewell, so that this will all then become a part of the records.

MR. JEWELL: Might it not be a good idea, Mr. Chairman, to read our letter to Mr. Cuyler first?

THE CHAIRMAN: Yes, that is quite proper, Mr. Jewell. We will proceed that way.

(Whereupon the Secretary, Mr. Binkerd, read the following communication from Mr. B. M. Jewell, to Mr. T. DeWitt Cuyler, dated April 5th, 1920:)

Washington, D. C., April 5, 1920.

MR. T. DEWITT CUYLER, Chairman,
Association of Railway Executives,
61 Broadway,
New York, N. Y.

Dear Sir:—

The necessity of establishing Boards of Adjustment similar to those now existing to handle disputes arising between the Carrier and Employees, that orderly methods may be pursued in the adjustment thereof, must be patent to both the Employer and the Employee.

In recognition of this requirement and in pursuance of the policy of the United States Railroad Administration and the principles established by it for the adjustment of Employees' grievances, we, the Chief Executives of the Recognized Standard Railroad Labor Organizations, parties to the existing Boards of Adjustment, One Two and Three, proposed to the representatives of the Association of Railway Executives, the continuation of the present practice, i. e., the maintenance of the three Boards of Adjustment as expressed in our letter of March 24th, 1920, copy

attached. The reply of the representatives of the Association of Railway Executives, under date of March 30th, setting forth that the matter had been referred to your Committee, is also attached hereto.

We, therefore, desire to place this matter properly before you at this time, and respectfully direct your attention to the urgency of meeting the situation promptly if we are to hope for a continuation of peaceful and orderly procedure in the adjustment of grievances.

Kindly favor us with a reply at your earliest convenience.

Yours truly,

(Signed) B. M. JEWELL,

Chairman, Railway Employees' Conference Committee.

(Following which, the secretary read a letter from Mr. Cuyler, addressed to Mr. Jewell, dated April 15th, 1920. to-wit:)

April 15, 1920.

B. M. JEWELL, Esq.,

Chairman, Railway Employees' Conference Committee,

American Federation of Labor,

Washington, D. C.

Dear Sir:—

Referring to your letter of April 5th, which has heretofore been acknowledged, relative to the establishment of National Railroad Boards of Adjustment, I beg to say that your letter received the most earnest and serious consideration on the part of our Association at its meetings held in Chicago on Friday, April 9th, and Saturday, April 10th.

Your suggestion is for the establishment of National Boards of Adjustment, similar to those existing under Federal control, to handle disputes arising between the carriers and employees, that orderly methods may be pursued in the adjustment thereof. I am not quite sure whether you have in mind that the provisions of Section 302 may be utilized for the purpose of handling disputes involving wage matters, such as have recently caused so much inconvenience to the public, or not. Our understanding is that this Section of the law cannot be utilized by way of settlement of wage disputes but is simply a provision for the voluntary getting together of the employers and employees to adjust any controversies which may arise over matters not involving wages. The law provides that those Boards of Labor Adjustment "May be established by agreement between any carrier, group of carriers, or the carriers as a whole, and any employees or subordinate officials of carriers or organization or group of organizations thereof."

This simply gives several methods by which these Boards may voluntarily be created.

It is further provided that if after the creation of such Boards there is a failure to agree, an appeal may be taken, under Section 307, to the National Railroad Labor Board, upon which the public, as well as the carrier and employee is represented and which shall be a final court of appeal on all questions, including wages.

The plan pursued by the United States Railroad Administration during its control of the railroads through a single National Board to pass upon wage questions and through three other National Boards to pass upon all other questions growing out of differences between the different groups of employees and the Railroad Administration was probably the only practical plan that could be followed during Government control.

Conditions now, however, have changed and a policy of de-centralization has been adopted not only by the Federal Government, as evidenced by the passage through Congress and approval by the President of the Transportation Act, but by the recommendation of the Industrial Conference appointed by the President that "harmonious relationship between employer and employees can best be established through joint action in each individual plant."

The return of the roads to their owners would seem to be a fitting time to inaugurate this de-centralization policy and that the interests of the public, as well as the employees and carriers would be better served by the establishment of Adjustment Boards on each individual road to pass upon questions involving the relations between the carriers and the employees.

The Executives, therefore, have come to the conclusion that the wiser course would be, proceeding under Section 302, to agree with the employees for the establishment of local adjustment boards on each road as the occasion required, or any other plan which may be agreed upon for bringing the two parties together on the ground or at the point of inception of the difficulty, in order that as many as possible of these controversies not involving wage increases may be settled between the parties immediately at interest and thus avoid burdening the National Labor Board unnecessarily with matters which might be adjusted in the manner indicated between the parties themselves.

If, however, experience of this method should indicate that the creation under the law of other agencies is desirable and necessary, the way is of course still open by consideration of the matter for the adoption of any other course or plan in respect to adjustment agencies that may seem justified by the conditions then existing.

We trust that upon consideration you and your associates will come to the conclusion that the decision arrived at by the Executives will inure to the mutual benefit both of the employees and the carriers.

I am,

Very truly,

THOMAS DEWITT CUYLER,

Chairman.

* * *

(Following which, the secretary read a letter from Mr. Jewell, addressed to Mr. Cuyler, under date of May 10th, 1920, as follows:—)

Washington, D. C., May 10, 1920.

MR. THOMAS DEWITT CUYLER,
Chairman, Association of Railway Executives,
61 Broadway,
New York City.

Dear Sir:—

Reference to your letter of April 15th, which is in reply to our letter of April 5th, relative to the establishment of National Railroad Boards of Adjustment, please be advised that your letter has been given very careful consideration by the Chief Executives of all the standard recognized railroad labor organizations in meeting held May 5th. The following is their unanimous opinion.

> That the Associated Standard Recognized Railroad Labor Organizations nonconcur in the position taken by the Association of Railway Executives in the matter of the creation of National Boards of Adjustment, as stated in Mr. Cuyler's letter of April 15, 1920, and that our Chairman be directed to arrange for a conference with the proper committee authorized to represent the Association of Railway Executives. This conference, if possible, to be held in Chicago, Illinois, during the week beginning May 17, 1920, and to be attended by a committee of the Chief Executives of the standard recognized railroad labor organizations, to be selected by the Chairman. Motion unanimously carried.

Complying with the above, the following committee was named:

W. S. STONE, Grand Chief Engineer, Brotherhood of Locomotive Engineers.

L. E. SHEPPARD, President, Order of Railroad Conductors.

S. E. HEBERLING, President, Switchmen's Union of North America.

LOUIS WEYAND, Acting International President, International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America.

JAMES BURNS, Representing Amalgamated Sheet Metal Workers' International Alliance.

J. P. NOONAN, International President, International Brotherhood of Electrical Workers.

W. S. CARTER, President, Brotherhood of Locomotive Firemen and Enginemen.

W. G. LEE, President, Brotherhood of Railroad Trainmen.

WM. H. JOHNSTON, International President, International Association of Machinists.

J. W. KLINE, General President, International Brotherhood of Blacksmiths, Drop Forgers and Helpers.

MARTIN F. RYAN, General President, Brotherhood Railway Carmen of America.

E. J. MANION, President, Order of Railroad Telegraphers.

F. GRABLE, Grand President, United Brotherhood of M. of W. Employees and Railroad Shop Laborers.

E. H. FITZGERALD, Acting Grand President, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

D. W. HOLT, President, Brotherhood of Railroad Signalmen of America.

TIMOTHY HEALY, President, International Brotherhood of Stationary Firemen and Oilers.

B. M. JEWELL, President, Railway Employees' Department American Federation of Labor.

May we ask that you arrange for the selection of the necessary committee, so that conference may be held, if possible, in Chicago during the week mentioned, and that you advise me the names of your committee, as well as the place and the hour where meetings will be held?

The extreme importance of the matter warrants a thorough discussion and prompt agreement, and it is hoped that you will find it convenient to arrange the requested conference.

By Order of the Committee.
(Signed) B. M. JEWELL, Chairman.
Associated Standard Recognized
Railroad Labor Organizations.

* * *

(Thereupon the Secretary read a letter from Mr. Cuyler to Mr. Jewell, dated May 19th, 1920, as follows:—)

May 19, 1920.

B. M. JEWELL, Esq.,
Chairman, Associated Standard Recognized Labor Organizations,
Great Northern Hotel,
Chicago, Ill.

Dear Sir:—

I have your favor of the 10th instant advising me of the action taken by the Associations enumerated in your letter as to the action taken by the Association of Railway Executives, in reference to the National Labor Boards of Adjustment and asking that a further conference be held between the Committee you name and a Committee of the Executives.

The action taken by the Association of Railway Executives was at a meeting of all the member roads and any Committee now appointed would not be empowered to alter the decision arrived at at that meeting unless so authorized by another meeting of the roads duly called for the purpose. We of course however do not wish to stand in the way of any conference you may desire to have with us, at which you may desire to lay before us any information you might have bearing on the subject. I am therefore asking our Labor Committee, which consists of the following gentlemen:—General W. W. Atterbury, Vice-President, Pennsylvania Railroad, Chairman; W. G. Besler, President, Central Railroad of New Jersey; H. E. Byram, President, Chicago, Milwaukee & St. Paul R. R.; Carl R. Gray, President, Union Pacific R. R.; Hale Holden, President, Chicago, Burlington & Quincy R. R.; J. H. Hustis, President, Boston & Maine R. R.; E. E. Loomis, President, Lehigh Valley R. R.; N. D. Maher,

President, Norfolk & Western Ry.; C. H. Markham, President, Illinois Central R. R.; W. R. Scott, President, Southern Pacific Lines in Texas & Louisiana, and J. H. Young, President, Norfolk Southern R. R., to communicate with you through its Chairman and arrange for a meeting at such time and place as may be mutully convenient.

I am,

Very truly,

THOMAS DEWITT CUYLER,
Chairman.

* * *

THE SECRETARY: Then there was an exchange of telegrams between Mr. Jewell and General Atterbury, followed by a telegram from General Atterbury to Mr. Jewell dated May 24th, 1920, as follows:

May 24, 1920

B. M. JEWELL, Chairman,
Associated Standard Recognized Railroad Labor Organizations,
Room 1505 American Bond & Mortgage Bldg.,
Chicago, Ill.

Your wire 23rd instant. Our Labor Committee has been advised by Mr. Cuyler of his letter to you of 19th instant and will be glad to arrange for meeting with your committee as soon as possible. Will try to consult convenience of yourself and associates by arranging such meeting in Chicago. Regret, however, that any date this week is probably impossible because of necessary presence of so many executives in Washington in connection with exercise of emergency powers of Interstate Commerce Commission and the inquiry just opening on necessary increases in rates. Hope to be able to offer you a date some time next week and will advise you more definitely after consultation in Washington tomorrow.

W. W. ATTERBURY,
Chairman, Labor Committee.

MR. JEWELL: Now, Mr. Chairman, in connection with the question raised by Mr. Cuyler and us, as to what matters were to be handled by these Boards of Adjustment, and particularly whether we had in mind that they were to handle matters of wage increases, I would say that it was not our intention or desire that the Boards of Adjustment would handle those matters in any different manner than they are now being handled by the present Board of Adjust-

ment or those that did function formerly for the Railroad Administration. We understand, of course, how certain questions must come before the present Railroad Board. We want these National Boards of Adjustment continued practically in the same manner as in the past, I mean, as they were operated under the Railroad Administration, and which are constituted solely for the purpose of making possible a condition of peace and a settlement of differences which cannot be settled by conferences between representatives of the railroads and the representatives of the employees.

Different contracts and agreements provide for conferences between the designated or duly authorized railroad officials and designated or duly authorized representatives of the employees of the particular roads. What we have in mind is that after these parties have conferred and failed to reach an agreement, that either or both, may have the right to refer the case to this Board of Adjustment, who will deal with the dispute under the agreement, which will be drawn up between them, that is between the Association of Railway Executives and between our organizations.

I think our experiences of the last few years, under government control, justify the statement that these boards will make for greater peace in railroads and will make possible the settlement in a peaceful manner, of many differences that haven't been settled in the past.

In connection with Mr. Cuyler's letter, suggesting your willingness to enter into an agreement, creating System Boards or other forms of Boards, I might say that our Associated Organizations are in unanimous opposition to boards of that character. If we are to have any Boards of Adjustment, they must be national in their scope.

We are extremely interested in what might be termed the peaceful operation of the railroads, and the establishing of machinery whereby we can all settle our differences without interrupting the operations of the railroads.

The results secured from the Railroad Administration Boards of Adjustment, speak for themselves, in the per-

centage of decisions that have been handed down by these Boards. The employees have not received the majority of decisions in their favor. We are not seeking this conference or asking that you enter into the creation of National Boards of Adjustment from the viewpoint that we have received a great majority of the decisions, or benefits therefrom. As a matter of fact, the greater proportion of the decisions have been adverse to the employees. We are seeking these Boards of Adjustment in the hope, as I said before, that we can make possible a continued operation of railroads without interference from strikes, made necessary because of our inability to secure a settlement of disputes, which might be termed of minor importance.

We all know, or feel at least, that the Labor Board, created by the Transportation Act of 1920, cannot be expected to settle or to deal with the many disputes that must come before some tribunal of this character and in the absence of the creation of the National Boards of Adjustment as we request. We are satisfied that it cannot meet the situation, and when it takes more than a reasonable time to settle those disputes through that avenue, we have but one choice left, and that is to answer the demand of our men and try to get their differences settled on the particular roads where the action arises; failing, to then authorize strikes in compliance with our laws. That is what we want to avoid, if we can. Do you want to add something, Mr. Sheppard?

MR. SHEPPARD: I look upon these National Boards, gentlemen, as a modern method of settling large questions, or questions which grow to be large at times, when, perhaps, they ought not to be so considered. So far as criticism of the boards which have been in existence, is concerned, I think it comes from both sides. I think it was the lamented Lincoln who said to a gentleman, when he sent him somewhere, "If the complaint all comes from one side and the praise all comes from another, I think you are not doing your duty; but if you can get both sides to complain, I think you are in control of the situation." It seems to me that is what has been done with these boards. I know we

have taken the position, speaking for the Order of Railway Conductors, and I think my colleagues in the Transportation group have all taken the position, that when our members have complained about the decision which has been rendered, that they must accept it in good faith and that those boards should be the court of last resort and that we expected the railroad companies to abide just as faithfully by decisions rendered against them, and we, of course, to be consistent, would have to do likewise, and in that way, many, many things have been disposed of. Moreover, I do not know just the number of cases which have been handled by the Boards representing the Transportation group, but there were several hundred, and matters which had been in dispute for as much as two or three years, have been cleaned up.

Another thing: The good feeling which ought to exist at all times between railroad officials and committees or representatives of the men, it seems to me was augmented to a great extent. The personal equation was eliminated as to differences. The railroad officers, if you please, were looked upon as tyrants and the railroad representative was looked upon as an agitator. However, a feeling was gradually being built up, as we see it, that was beneficial for all concerned. It kept the extremist on either side in the background and he was not able to accomplish his purpose. If it happened on the labor side, the man who took a radical position, was overwhelmed by the judicial tribunal, and the same thing applies, of course, to the employer's representative, who wanted an undue advantage.

We believe that this is the best method; and in these days of big business, where the personal equation is thought desirable, we would not minimize that in the least degree, because all the machinery is provided to recognize the personal equation before it gets out of the hands of the officer.

Our law requires us to come before the officers, the same as before, and it is our purpose and understanding to continue to do that. If any gentleman, representing the

railroad president, for example, wants his men to come to him before they go to this Board, all they have to do is to say through whatever avenues the railroad presidents may deem necessary or advisable that their men shall follow, before going to the outside Board, if you please, will be followed. There is no desire to take a short-cut at all, nor is there any desire to take it out of the hands of railroad officers. In my experience, I frequently appealed to the railroad president, where, oftentimes it was not feasible to go to the manager, being bound down by limitations and I therefore went to the president who was in a position to do more than the manager. In that way, the personal equation was augmented. It is very desirable.

The reference in Mr. Cuyler's letter to the action of the President's Second Industrial Conference, I think was directed more extensively to the average trade than to railroad men, because, insofar at least as transportation organizations are concerned, for many years they have not been denied the right of collective bargaining. The personal equation has been in evidence to a great degree. I appeared before that committee and they asked me several questions. I was not surprised to see their reports, because I could see their trend of mind by the questions they asked me. And as I take it, it was not that where the courts are already provided, where the agency was already working satisfactorily that they wanted to bring out the so-called shop council, but in the absence of anything at all, that they wanted to advocate the shop council. It is quite true that they did not go on record advocating a closed shop. They seemed to keep away from that, but as far as I am aware, there is no closed shop idea in this proposition at all. As most of you gentlemen,—I think all of you, are aware, we claim to legislate for the entire class,—non-union employee as well as the union employee, and the non-union employee has the same representation before the board as a member of these organizations. I might say along this line, that the Order of Railroad Conductors, in their convention, made a specific provision in its law, that any conductor, belonging to any organization or not, could have his griev-

ance handled, without regard to any affiliations whatsoever, and we handled one or two before the United States Railroad Administration, of men who had no court to go to; but inasmuch as we had what might be called a contract for the line, they came to us just as though they were members of the organization, and received full consideration. As my memory serves me, they appealed to one of these Boards,—the individual did,—and the Board upheld the action of the organization. We trust, gentlemen, if there is a sentiment here of prejudice, you will lay it aside; we do not assume that there is any prejudice. We take it that you are interested, just the same as we are, in the peaceful operation of these railroads. You have large and varied interests, and you, yourselves, cannot get in personal touch with all your employees. The average president or vice-president of a railroad cannot do that, and if we think the personal equation will be overcome by the action of the representatives of labor, I feel that that is a very small factor, or ought to be in this case, because any man who attempts to set an employee against his employer, is going to fall eventually, by the action of those very men. The success of a man in such a work as we are engaged in, or that of a labor representative, lies in his ability to lead correctly and in giving proper advice and not in building up strife. Although there are times when it may appear that we are doing that, and indeed, there are times when an individual may do that, but no wise labor leader will do that; but on the contrary, he will invariably tell the men he represents, by all means, settle your difficulties with your employer if you can. Oftentimes, we find in our own ranks, perhaps, a man who thinks that it is his born duty to stir up strife, and attempt to make it apparent that he is so useful that he cannot be dispensed with, but the men are wise in this day and generation, and those kind of people in these railroad brotherhoods cannot get very far. We sincerely trust that you will acquiesce in our desires in this matter, for we firmly believe that everybody will be mutually benefited.

THE CHAIRMAN: Mr. Jewell, may I ask Mr. Sheppard a question, merely to clear up something that Mr. Sheppard has said, because I don't want to leave the record

doubtful. I judged from what Mr. Sheppard said, that he neither insisted on nor recommended the closed shop. Do I understand that he speaks for all of you gentlemen in that respect?

MR. JEWELL: Yes. In that respect, so far as I know.

THE CHAIRMAN: Let me say, Mr. Jewell, if you prefer not to have that question asked, I shall be quite willing to have it withdrawn, but I don't want to leave it in such shape that there could be a misunderstanding on our part, of what Mr. Sheppard said in this connection.

MR. JEWELL: I am perfectly willing to make the statement (and I will ask the other gentlemen present to indicate by objecting, if I do not state it correctly) our position in this matter. Our position has been for years that we speak for and represent all of the class of employees; regardless of membership or non-membership in these organizations, who perform the work specified in our agreements regardless of where employed on the railroads.

MR. SHEA: May I say a word? In that connection, I assume, in asking that question, in speaking for the railroads, that the railroads on their part, will not discriminate against any employee because of his membership in any employees' organization.

THE CHAIRMAN: I asked the question of Mr. Sheppard, because I did not want to leave his testimony, or his statement, rather, in such shape that it might be misunderstood by the Railroad Executives when we report to them the result of this interview. Now, I am not clear, Mr. Jewell, just exactly what your attitude is?

MR. JEWELL: Let me try to make it clear, Mr. Chairman. As you use the term "closed shop," we don't understand it. I might say frankly, as we use the term, it is a shop that is closed so that no union man can work in it. We understand what you are indicating or suggesting, has reference to either a union or non-union shop.

THE CHAIRMAN: I would like to have Mr. Sheppard's interpretation of the use of the term, because Mr. Shep-

pard's organization has never been a closed shop organization, as we understand the term "closed shop" organization, and his idea of a closed shop, and our idea of a closed shop, I suspect, might be rather on more common ground.

MR. SHEPPARD: None of the transportation brotherhoods, I think, took the positions of the conductors. I am not well versed on that particular feature, so far as the other organizations are concerned, but I understand Mr. Jewell's position to be exactly as I stated.

THE CHAIRMAN: If that is perfectly clear, then my question is answered.

MR. JEWELL: I don't think there is any difference in our position and between that of any other transportation organization. We do not, by agreement, propose to make a shop, union or non-union, or as you term it, closed or open; we propose to deal with that in our organization. We rather prefer to have our men come to us of their own volition, or by persuasion rather than by the agreements.

MR. SHEA: I think, Mr. Chairman, that one of the fundamental reasons as advanced by the different trade unions of the country for so-called closed shop, is because there has been a tendency in the past on the part of some employers to prevent organizations of labor, or to discriminate against employees because of their membership in a labor organization. I think, with that feature eliminated, it will clear up a great deal of the controversy so far as the question of the so-called closed shop is concerned.

MR. JEWELL: That has always been my version of it. If the railroads would take the same neutral position as the employees, there would be a gradual lessening of the agitation for so-called closed shops by memberships of organizations.

MR. YOUNG: You take the position that there should be no discrimination in the employment of employees?

MR. JEWELL: In the employment or treating with, or treatment of; does that answer your question, Mr. Chairman?

THE CHAIRMAN: I think that answers the question.

MR. SHEPPARD: I am not well versed in the so-called closed shop theory, but it is not applicable on railroads at all, as I understand it, as it is in other industries. Advocates of the closed shop want it so that the employer need not pay the two classes of men the same wages, but that does not come up in railroads. We have an agreement whereby we are paid so much for certain classes of labor, therefore the difficulty does not come up in railroad organizations, as I understand it.

MR. JEWELL: What are we to understand from Mr. Cuyler's letter? In the absence of a statement from you, I must ask the question, what authority has your Committee in connection with the matter being taken up at this conference?

THE CHAIRMAN: Our Committee has no authority whatever. We must report back to the Association of Executives, who have to determine this question.

MR. JEWELL: At a meeting to be held later?

THE CHAIRMAN: Just as soon as we can report back to the Association of Executives.

MR. JEWELL: Have you arranged for a meeting?

THE CHAIRMAN: Not at all.

MR. JEWELL: Our request to you is that the gentlemen of your Committee ask any questions you desire to ask and we will be glad to answer, and at the conclusion of this conference, or the conferences that are to be held in connection with this matter, that your Committee, in your recommendation to the Executives' Committee, advocate the creation of these National Boards of Adjustment by agreement; then when that matter is settled, if they have agreed with our thought and we hope that will be your recommendation, then we will be glad to arrange for the appointment of a committee, which would prepare the agreement for the creation of the Boards or we are prepared now to try to work out something which could be used as part of your report to the Association. The provisions of the agreement to deal with all the necessary func-

tions of the boards prescribe the terms under which they would function and the terms under which matters could be submitted to them. In other words, along the lines of General Orders 13, 29 and 53, something of that scope, but not necessarily in that language. We are not tied at this time, as far as I know, to any specific provisions or agreements. The principle is what we are discussing, the agreement can be decided on, and the question to be determined, is the creation by agreement of National Boards of Adjustment. The agreement itself, is a matter of detail which we ought to be able to work out, and we want, at the time we work it out, to benefit by the best thought of everyone we can get. We want the machinery established so that it will be workable, practical and satisfactory.

THE CHAIRMAN: Mr. Young, do you desire to ask any questions of Mr. Jewell?

MR. YOUNG: I have nothing to ask. Mr. Sheppard and Mr. Jewell said everything that was in my mind. The formation of other committees on railroads, which I understand you don't object to, that is local committees to settle local difficulties.

MR. SHEPPARD: Our machinery provides for that.

MR. JEWELL: We have that already, local committees where conferences can be held.

MR. YOUNG: Would you be willing to work out an agreement as to the kind or class of cases which come to the board, and the manner in which they should be handled?

MR. JEWELL: Yes, that should be done; necessarily that should be done.

MR. SHEPPARD: On the general basis of Order Number 13.

MR. HOLDEN: Mr. Sheppard, may I ask a question? I am not familiar with just what Order 13 is in that particular, but I wanted to ask this question, whether it is in your minds to form a National Board with practically the same measure of jurisdiction as the National Board of Adjustment? In other words, to come right to the point,

there was a feeling, I think probably on both sides, somewhat based on what Mr. Jewell suggested, that a great many matters of obviously minor importance went to the National Board. The inquiry, I think, is pertinent, whether it is in your minds, and whether it is practical in considering your suggestion, if there should not be some reasonable limitations of the jurisdiction of the National Board whereby it would hear matters of large importance rather than those of minor significance; whether that could be worked out in some way?

MR. SHEPPARD: I think so, Mr. Holden. Men are prone to shirk their responsibilities. That failing is not all confined to any class of men. We find officers of railroads, and we find representatives of labor who ought to have gotten together, but they preferred to pass it to the Board. Now, we had occasion to remonstrate with our representative, and to make an open confession, perhaps the executives,—I am speaking of the transportation brotherhood especially, more than others,—perhaps we did not give it as close scrutiny as we should, not because we did not want to, but because we were over-burdened with other things. I am not betraying secrets, but you should know that three of the transportation brotherhoods have their headquarters in Cleveland, and I have an understanding with Mr. Shea, Mr. Stone and Mr. Lee that if we get National Boards, I will place a vice-president at Cleveland, and they will place a vice-president at Cleveland, as a sort of clearing house to act upon matters before they go to the Board, and in that way, we will eliminate a lot of things that perhaps ought not to be presented to the Board, I mean, a lot of trifling things. If we see that the railroad managers, from our point of view, are not meeting the issue or taking the same degree of responsibility that we were, I think it would be our duty to call the attention of the president, if need be, of that railroad, to the fact that a great many cases seem to come from his road,—and we expect you gentlemen to do likewise if our representatives do not have the moral courage to do some of the things they ought to do. And we would be glad to know it.

We were just really getting started along that line when private control came back. The question had already arisen. I know that we had spoken to or written this president or that president of the railroad, calling his attention to the shortcomings, as we thought, of his officers, and they had written us about things they thought we ought to be looking after, and I appreciate very fully that there is work for executives on both sides to do, but if we all go into this work with a determination to make a business proposition of it, to give and take wherever is necessary and make our subordinates do likewise, we will avoid many criticisms and eliminate many of the objections to National Boards, in my judgment.

MR. HOLDEN: I think you have in mind the situation which I also have in mind. As one of the Regional Directors during the period under which the roads were under Federal Control, I came in contact quite a good deal with this situation: Where the local individual who had a grievance, knowing that he had an appeal to the Board in Washington, in many cases the situation developed where it became impossible, or at least very difficult for the local officer to bring about a negotiation locally of that particular grievance. I assume that the opposite is true, as you have suggested, that there were many cases, doubtless, where the local officers,—in some cases where they knew that the complainant proposed to make his appeal, and was conscious that he had an appeal to Washington,—the local officers would perhaps be indifferent and not as active as they should have been to bring about local settlements. There is no doubt that feeling existed, and it worked both ways. From what you say, and I am willing to say from what I feel, that is a situation that ought to be corrected, if possible, so that as far as possible these questions should be settled locally. In other words, if we are going to set up a National Board of Adjustment for all the mileage in this country and every minor case can go to that National Board, we haven't progressed very far in getting industrial peace, which both sides here earnestly want.

Therefore I come back to my original point, whether

there is a practical way to consider this suggestion, which would limit the jurisdiction of the National Board somewhat akin to what the jurisdiction of the upper courts are as compared with those of inferior jurisdiction. For instance, we know in Justice of the Peace Courts of the country, generally speaking, the amount involved is not generally more than twenty dollars, and you cannot appeal from a decision of those courts involving that small sum, and all citizens have come to recognize the fact that their right of appeal is limited. Not necessarily following that exact procedure, but by the same analogy, it seems to me, if we reach an agreement with you gentlemen, we both want the National Board to be a success, and that one of the essentials to that success would be to limit the activity of that Board to the real things instead of every petty little matter that might be brought there and which ought never to reach that board. Whether it is practical, within that line of thought, to define the jurisdiction of that Board, is a matter to think about. What I wanted, was your general attitude on the subject.

MR. SHEPPARD: Right at the present time, Mr. Holden, I have a communication from a committee of a large railroad, complaining because a certain conductor was not reinstated by Board Number One. I have told that committee that they are absolutely out of court. On the same desk, and handed me at the same time, comes a protest from a general manager of a railroad who is not going to abide by two decisions against him,—not from the same railroad, but another road. That is a joint matter between trainmen and myself. Mr. Lee and myself are both objecting to that gentleman having another day in court. On the other hand, the Railway Board of Adjustment No. 1,— I speak more advisedly on that than the other, because I served six months on this Board, where all our cases go to, wherever it is shown to them that they have committed an error and have treated anybody unfairly, open the case of their own volition. They are always open to conviction. But in the absence of that, just because somebody has decided with a verdict against them, they should have another day in court, and Board Number One has been very quick, al-

though it has not been called upon to do it very often, but to my knowledge, three or four cases have been reversed by themselves, where it has been made apparent to them that they were not in possession of proper information. Now, all those difficulties, if we all work together, and this idea that I have advanced, so far as the transportation group is concerned, will tend to minimize our misunderstandings to a great extent.

This is what happened under the old order of affairs: Notwithstanding the fact that we sent out our decisions from time to time, getting them out as fast as we could, we found the same case, without an iota of change, so far as the facts in the case were concerned, coming back to the board to be decided over again. Now, both the railroad managers and the general committee ought to be bound by the previous decisions and be governed thereby, or one side or the other ought to raise the issue that this case has already been decided; but some general manager on the one hand, or some shrewd chairman, or some fellows who think they are shrewd, twist the thing, or put their construction on it, and thereby get it back to the Board. That is a serious matter that we will have to contend with, but I have no doubt it will work itself out. We are making progress, I think.

MR. JEWELL: I believe, Mr. Chairman, that the organizations are perfectly agreeable to do all they possibly can in complying with what I understand to be Mr. Holden's suggestion, that is, of wording this agreement in such a way, to bring before the Board only such cases as the Board ought properly to handle. We are perfectly agreeable to that and are doing, and will continue to do a great many things which would be helpful along those lines within our organizations. It must be remembered that this was practically a new innovation, but we have had a great deal of experience in dealing with adjustment boards, and have benefited by it.

The Railway Employees' Department has arranged to try and meet the situation by electing one additional officer. The prime purpose of electing that man, as I understand

it, was that he might handle and might devote the major portion of his time, just to handling the cases that will go before the Board. He will have certain restrictions thrown around him with reference to cases that he can submit, and the conditions under which he can approve their submission to the Board, and he will handle the work for the organization, and he is placed in such a position as to be practically free from all influence other than the direction which will be given him by the organizations affiliated with the department. That ought to be helpful. We are perfectly willing and agreeable to go just as far as we possibly can to eliminate the objectionable results which have grown up and come to our notice under the existing Boards of Ad justment. We are trying to work out an understanding which will make perfectly practicable and possible and acceptable, the National Boards of Adjustment.

It has been suggested that I should say something further in connection with the matter of National Boards of Adjustment, along the lines of efforts made by these organizations, towards standardization. I think all of us know for practically the entire time during the history of these railroad labor organizations, a consistent effort has been made towards standardization and uniformity of conditions. We have made some considerable progress along that line up to the present time, and when we consider the creation of System Board of Adjustment, or any other forms of adjustment boards other than National Boards of Adjustment, we have to deal with just one question as we see it, which has a very great element of danger, that consists in securing different decisions from different boards involving practically the same question, or the application of the same rule on different railroads with different results, and the very moment,—we must all agree,—the very moment we get different decisions by reason of different boards, involving the same question, or on different railroads, just at that time do we create additional unrest, and we make for a condition which will defeat the very purpose we have in view, in urging the organization of National Boards, which is the maintenance of industrial peace.

The moment one road gets a decision or one division or one region gets a decision from a board which is more

favorable than that rendered by some other board, just at that moment, the parties that have received a less favorable decision, become dissatisfied and immediately demand the more favorable decision.

We are all desirous for the making of the maintenance of peace on these railroads, and hope to do that, and believe that we can do that by the creation of National Boards of Adjustment with proper limitations as suggested, clearly defining the functions of the board, and we are prepared to meet you gentlemen and try to work out the things whenever we find you with authority to enter into that question.

MR. BESLER: My understanding, Mr. Chairman, of the remarks that have been made, all tend toward the enforcement of the square deal,—a square deal for the men and a square deal for the company, reciprocally, so that one might not ask that which he would not be willing to concede if he were to trade places with the other. Under such a situation, it would seem to me that very few individual cases would get beyond the local committee. The average individual cases of discipline, by agreement, should and ought to be settled on the ground and on its merits, on the basis of the square deal, which means fairness to both sides.

Therefore, the function of the larger Board would relate to matters of fundamental importance, which involve classes, which involve groups, beyond the mere individual disagreement or dissatisfaction with that which may have been visited upon the individual in his particular case. But in those cases where a group or class might not agree with the company, and there should come an impasse, then the avenue would be to refer the matter to this National Board of Adjustment. This applies to questions upon which the local management or local class or local group might not agree. That is, as I understand, about what you have in mind.

MR. JEWELL: Yes, generally speaking, that is what we have in mind. I think it is proper to say, if we enter into the proper spirit in the creation of these National Boards of Adjustment,—with just one spirit, and that is the one which you suggest, and which I will express in these terms, that is, a real desire for industrial peace, and with

the spirit of real co-operation as between the employees and their representatives, and the employers or the management and their representatives, we can and should settle a vast majority of the cases on the respective railroads by conferences between those representatives. Then, necessarily, there would be very few cases of that kind which would come to this National Board.

MR. BESLER: Then get a good, broad local chairman, a man fit for his job, who would look broadly upon questions submitted to him from the standpoint of fairness to both sides, and who would not insist, simply because he was representing a man, that that man's cause must be decided in his favor, rather than because of the justice of his cause, a man who would not be inclined unduly to merciful treatment rather than what is justice and what is due,—I think such a local chairman ought to be able to decide a very large number of cases right within the locality where the trouble might arise, if there be trouble.

MR. JEWELL: Yes, that is true with regard to both sides of our house.

MR. BESLER: Yes, I intended to convey that.

MR. JEWELL: Yes, with that understanding we can both agree. I didn't misunderstand you, did I, in your remarks, that you favored the Board merely passing upon interpretations of the agreement, rather discipline cases?

MR. BESLER: Do you mean this National Board?

MR. JEWELL: Yes.

MR. BESLER: I assume, while occasional discipline cases might come before the National Board, the real purpose of the creation of such a Board is for larger purposes, and that such cases should not be taken up by the Board, and it should not be asked to concern itself with trivial discipline cases. My idea is that it should concern itself more with fundamentals, and minor cases ought to be sent to some other tribunal.

MR. JEWELL: But it is not your idea, however, that discipline cases would not be entertained by the Board?

MR. BESLER: I had not gone quite that far.

MR. MANION: I noticed in Board No. 1 there were 256 discipline cases handled by that Board. Out of that number, 131 decisions were unfavorable to the employees, and about 100 decisions favorable. Of course, with that record staring us in the face, we would not consistently care to take all discipline cases there, but there are probably instances where discipline cases would of necessity have to go there. That might arise by reason of stubbornness on the part of railroad officials, or stubbornness on the part of committees.

It has been my experience in the past, when I acted as Vice-President of the Board, and came in direct contact with these cases, that often I would find a committee had gotten in that frame of mind, and after I reviewed the case, and found it wrong, I did not hesitate to tell them so, and there are probably instances of that character as far as the railroad officials are concerned. It would be our aim, at least I glean from what these gentlemen have said, and they have expressed my own view, that these cases, both as to interpretation of agreements, and discipline cases, should be thoroughly reviewed by the officers of these organizations before they are passed on to the Board. I believe if we had an understanding of that character and both sides made an honest effort to pass on these cases prior to making disposition of them, either by sending them to the Board or disallowing them, I believe there would be a great many of our difficulties removed without going further.

MR. BESLER: I think Mr. Sheppard and Mr. Holden covered fully what we were discussing.

MR. MANION: I was greatly interested in what Mr. Holden said, although Mr. Holden seemed to desire, as I gathered it, to place a limitation on the cases that should go to the boards. I was just wondering what limitation we could pass, and it was suggested to me, from his remarks, that perhaps he had made a study of it, and I am sure we would like to hear further from him in that regard.

MR. HOLDEN: No, Mr. Manion, I haven't made a study of it, but if you will permit me, I would like to say a word further. The fact that a large percentage of discipline cases were decided against the contention of the men, is

significant to me, in this particular, because it indicates that a great many of those cases ought never to have been appealed; at least, that is one fair deduction.

Now, with regard to what Mr. Sheppard said, that they had just fairly gotten started when Federal control ceased. In the method of reviewing, within your own organization, cases that were on appeal to the Board, that indicates one method, following out the thought of a clearing house, if you like. This General Order No. 13 has a distinct limitation on appeals, but I gathered that that limitation hadn't begun to be in operation when Federal control terminated. "The Chairman of the General Committee of Employees may refer the matter to the Chief Executive Officer of the organization concerned, and if the contention of the Employee's Committee is approved by such Executive Officer, then the Chief Operating Officer of the railroad or Chief Executive Officer of the organization shall refer the matter to the Director of Labor and he shall present it to the proper Board." I infer from what Mr. Sheppard said that if the active administration, if that had been available, that it was their purpose to require, through the Chief Executive Officer of the particular organization, an examination of the individual case, which was not agreed on below, by the railroad, and decide in the office of the Chief Executive of the organization whether or not that case ought to be appealed or whether it should not. And in the majority of discipline cases which you refer to, I think it is a fair inference, if the Chief Executive Officer had been able to develop that method, probably a large number of those discipline cases would not have gone to the Board. That offers one line of thought as a method of limiting the jurisdiction of the National Board, if one should be established. There may be other methods. One other method might be to write it into the agreement, defining the character of cases which could come to the National Board, and excluding certain classes of cases which should not. That presents some difficulty which is very obvious. Whether it could be done or not, I am not prepared to say. That is as far as my own mind has gone into the subject, Mr. Manion, but it is an interesting matter for further consideration.

MR. SHEPPARD: Mr. Chairman, I am quite confident if you gentlemen can see your own way clear to meet our desires that a National Board be created, I feel very sure that we can agree upon the details and methods. I am quite sure that we can arrange a workable agreement on that proposition.

THE CHAIRMAN: Mr. Maher, have you anything to say?

MR. MAHER: I have nothing to add.

THE CHAIRMAN: Mr. Markham?

MR. MARKHAM: I have nothing to add.

THE CHAIRMAN: Mr. Gray?

MR. GRAY: No.

THE CHAIRMAN: Mr. Loomis?

MR. LOOMIS: I have nothing to add.

THE CHAIRMAN: Mr. Hustis?

MR. HUSTIS: Nothing.

MR. HOLDEN: I would like to ask one more question, I feel like apologizing, because I have been doing most of the talking. If the railroads should agree with you gentlemen on the creation of National Boards of Adjustment, what is your attitude as to Local Boards of Adjustment on individual railroads?

MR. SHEPPARD: We have them now, Mr. Holden. All matters would go through the same machinery. We have general committees on every railroad. A grievance would, of course, have to originate locally; then it would be referred to the General Committee, and would have to go through all of that machinery.

MR. HOLDEN: While that is practically so, that was hardly contemplated by this act, Section 302. As I understand that, it would mean, if applied to the individual railroad, it would be a Local Board of Adjustment made up of an evenly balanced number of men representing the railroad and employees.

MR. JEWELL: The obstacles that are there, Mr. Chairman and Mr. Holden, as I grasp the situation, are these:

The Local or Systems Boards of Adjustment, as you might term them, would necessarily be made up of the same officials and the same representatives of the system would handle all grievances prior to its reference to the Local Board of Adjustment. Therefore, there could not be any progress made through that form of machinery. We have already, as suggested by Mr. Sheppard, a committee composed of the Chairman of the Board of Employees and the railroad officials, who are designated, and who have authority to handle grievances and dispose of them. Therefore, it would simply be a duplication of machinery, which might tend to delay action to that extent and it would be an added expense to the organizations.

MR. SHEPPARD: I have seen the Local Boards tried, and this is what I have noticed developed: I have seen, for instance, taking a group of officers on one side and a group of committeemen on the other. I have seen, for instance, the road foreman, and I have seen his engineer, disciplined by the representatives of the trainmaster, and the superintendent of maintenance of way, if you please, and I have seen retaliation crop up. While I have not raised any children, it seems to be an inherent weakness on the part of the average man to see somebody else's baby spanked. On the other side, here is a representative of a labor group, all supposed to work in harmony, and the first thing you know, in their desire to do what is fair, they will punish a fellow out of their own group, or to get back at him, will punish the other fellow; thus the railroad's morale and the morale of the service suffers,—in fact, everybody suffers regardless of how it comes about. In my practical experience, I have seen that. I think we can keep away from it. In the first place, we don't want to go to outside agencies to settle our troubles, but we do want to get it away from local prejudice or passion or local ambitions, if you please.

THE CHAIRMAN: Mr. Jewell, I would like to have you finish this discussion, and have it concluded with a perfectly frank statement of what is the practical objection to the System Board of Adjustment going directly to the Labor Board.

MR. JEWELL: Well, as to the System Board of Adjustment, first, our objection is that it is simply a duplication of the present machinery now available, and to the extent that it is a duplication, it would not accomplish any good purpose.

THE CHAIRMAN: That is an assumption on your part?

MR. JEWELL: No, it is based upon what we have experienced. We have a General Chairman of these respective classes on these railroads, and there are railroad officials designated, authorized to meet those Chairmen or representatives, and adjust their grievances by conference, in compliance with the provisions of the respective agreements governing conditions of employment. Our thought is, that any Systems Board of Adjustment to be created, must necessarily be composed of those same gentlemen who have already conferred on those grievances, so that there would not be any assistance given or progress made in the adjustment of grievances by having the same men who had already previously disagreed, come into a room, sit around a table, on a Board similar to that suggested, and try to adjust the difficulties. Even though there be added authority, I cannot see that there would be any progress made.

THE CHAIRMAN: If that feature were eliminated that you speak of, would the Systems Board of Adjustment be satisfactory?

MR. JEWELL: We can see no conditions under which the Systems Board can be helpful at all. On the other hand, we see many reasons why the Systems Board won't make for industrial peace.

THE CHAIRMAN: The only definite statement I heard you make is that the Systems Board is necessarily composed of the same officers who have already judged the case. That seems to be your only objection.

MR. JEWELL: It would not of necessity be composed of the same officers of the railroad, but it most assuredly, so far as the organizations are concerned, would be composed of the same representatives. So far as I can see at the present moment, we would not be able to select other men delegated to handle matters of that character.

Then, in addition to that, our objection to the Systems Board or any other form of Board other than one of national scope is that it will make for disruption of our national standardization which we have attained, and which we hope to further perfect. We cannot maintain uniformity of conditions of employment or uniformity of decisions, nor application of them, except through one Board, one National Board, as we see it. These classes of employees who have made that progress in the past, and all of them have made it, to a greater or lesser extent, and judging the future by the past, they will continue to urge standardization and uniformity of conditions of employment, rates of pay, and so forth, and if they do, they will undoubtedly secure further concessions, and a creation of any form of Adjustment Board other than that of one of national scope will make for a tearing down of those conditions rather than extending them.

THE CHAIRMAN: Then your second objection is that the Systems Board of Adjustment on several systems, would bring about lack of uniformity?

MR. JEWELL: Yes.

THE CHAIRMAN: Therefore you think that standardization and uniformity are desirable things?

MR. JEWELL: They are not only desirable, in our opinion, but they are absolutely necessary to make for the proper operation of the railroads. The employees are and have been for years urging those things, urging uniformity, and as I say, we have secured it to a greater or lesser extent. We expect to continue our efforts towards the creation of uniformity of conditions of employment, rates of pay, and so forth.

MR. BESLER: If that should be maintained and rates made satisfactory, would not the Local Board of Adjustment see that that situation were punctiliously performed and functioning satisfactorily?

MR. JEWELL: I cannot see where a Local Board of Adjustment could be helpful. We believe that the machin-

ery now in existence, that is the General Chairman or Local Committee at the point, and the General Chairman on the roads, together with railroad officials, can and should adjust the grievances that might arise on the railroad and with few exceptions, should there be any necessity for a disciplinary matter to go to these National Boards, and just to the extent as we enter the problem with a determination to co-operate and deal, as you suggest, squarely with both parties, can we reduce or increase the number of grievances going to those Boards.

MR. BESLER: The fact would be, that we would have a Board of Adjustment which would not be called a Board of Adjustment, whose functions would be to carry out decisions on grievances punctiliously to both sides.

MR. SHEPPARD: Those who advocate the Local Boards, as I get their viewpoint, I take it that this question of discipline would influence them more in wanting Local Boards than anything else; am I correct in that assumption?

THE CHAIRMAN: I take it that is one of the important factors, Mr. Sheppard.

MR. SHEPPARD: Let me say to you gentlemen, that I would rather take my chances before the average General Manager or higher railroad official than I would before the Board, although I concede that half of the Board would be composed of my own colleagues. That may sound like heresy to my people, but that is my experience.

MR. RYAN: It seems to me that it is just as necessary to have a National Board as provided in the Transportation Act of 1920,—and that is another reason which justifies us in insisting upon a National Board,—the Transportation Act and the authority of the Interstate Commerce Commission does not just apply to one road in any one section of the country; but it applies alike to all sections. It is our understanding that all railroads are to be treated alike by the Transportation Act of 1920. Then why should we be willing to have Local Boards set up and tear down the standardization that our organizations have builded for many years? And that is just exactly what it would do. It could

not do anything else. I agree that the proper operations and the best interests of the railroads of this country demand that the Transportation Act should apply to all railroads. I think it is to their advantage, and I also see that it is to our advantage to have a National Board for the same reason. The Transportation Act covers all the railroads alike.

MR. JEWELL: By the same token that you ask us to state our objections to the Local Board, may I ask you gentlemen why you favor Boards of Adjustment other than those of national scope, so that we might properly understand your position?

THE CHAIRMAN: I think Mr. Cuyler, in his reply to you, clearly states the position of the railroads on that.

MR. JEWELL: There are no other reasons that you could give?

THE CHAIRMAN: I think that he has covered it very fully.

MR. JEWELL: We have discussed that, and have given very careful consideration to everything that was said there by the members of our committee.

MR. HEBERLING: I want to ask a question. I just want to give my viewpoint. As I understand the machinery established by all these organizations, they have their local committees and they have their general committees, and the general chairman would carry his grievance clear to the general manager to have it adjusted. Let us take a discipline case. This is what is in my mind: I just wonder if any Board on a system, created by local officials, would ever reverse a decision of a general manager of the railroad that comes before it. I have that in mind. I am just wondering if that would ever happen. I leave that with you. As I know local officails and officials of railroads generally, and as I see men generally, I just wonder where we would get off at on System Boards of Adjustment, made up of minor officials who might be called on to handle the case that a general manager has already been called upon to pass, in a matter of discipline? You understand, we carry our cases now to the general manager, and if adjusted,

there is no need of further appeal. Now, suppose we appeal to an Adjustment Board on a system composed of officials of minor degree than that of the general manager, can any one reasonably expect that committee to reverse the decision of the higher official, in the nature of things?

THE CHAIRMAN: You are assuming the construction of the Board that might not exist, just as Mr. Jewell assumed a construction of the Board?

MR. JEWELL: Just to that extent, General Atterbury, we may be in the dark as to just what you had in mind and that is, briefly what I had in mind when I asked that you state fully with reference to the executives and the nature of these System Boards. We have tried to look at the matter fairly and squarely, and as we can see it, the only possible way they can be created in their makeup, and Mr. Heberling has stated our general assumptions along those lines, they must necessarily be made up of officials subordinate in position to officials who have already passed on the question, and these subordinate officials that we would have to go to and get a settlement from,—when the employee's representatives were prepared to support the position taken by the employees in appealing their case to the Board, and if they were justified, and justice were on their side, then surely the question we must ask is, can we expect subordinate railroad officials to reverse a decision that they themselves have made, and in addition to that have to reverse a decision rendered by their superior official?

THE CHAIRMAN: I concede that it is quite possible, Mr. Jewell, for the employees and the officers themselves to sit down and discuss to a conclusion the makeup of a satisfactory Board of Adjustment to both.

MR. BESLER: May I suggest this hypothetical illustration? In carrying a grievance to the Director General of railroads, who was general manager of all railroads, had the Director General passed upon a case, Mr. Heberling, would this National Board of Adjustment or Board No. 1, 2 or 3, would they have reversed the Director General? It did not reach that point, but the case came up to his repre-

sentatives on Boards 1, 2 or 3, and when they passed upon it, he placed his seal of approval on whatever that Board found. Might not a similar illustration apply in the case of railroads? Suppose the Board of Adjustment takes a case, before the general manager has passed finally upon it and decides that whatever that Board finds, the general manager says has my approval,—"whatever the Board decides has my approval."

MR. SHEPPARD: You come back to my statement, that I would rather leave it to the general manager than I would to the Board in those cases, and you know that under General Order No. 13 the case doesn't go to the Director General, except that he could reverse them. He never got in the case when Board No. 1 settled a case.

MR. SHEA: The decision of the Board is final. The Director General has no authority under the order to set aside or modify decisions of the Board of Adjustments.

MR. SHEPPARD: If you remember, Mr. Shea, also notice was served on the Board that if they divided on partisan lines about three times, he would have a new Board. He had a moral influence there all the time. He said, "You might divide that between railroad representatives and labor taking sides, I will not object to that at all, but if you divide as between labor and railroad managers, a few times, why, I think I will get a new Board."

MR. SHEA: The point I brought out is, that the decision of that Board was final and the Director General had no authority to set it aside.

MR. BESLER: If there were a Local Board of Adjustment, so that the matter did not reach the general manager, and the general manager permitted them to determine a matter reached by the Local Board of employees of their duly elected four or six, as against his four or six, then he might vote and they arrived at a majority decision, does that answer such a situation?

MR. SHEPPARD: Our men would not be satisfied unless they could go to the general manager.

MR. BESLER: Why not, if they agreed that the decision might be in their favor?

MR. SHEPPARD: They don't want to agree to anything that would prevent them going to the general manager.

MR. MANION: I gathered from what you said that the Board would be composed of three or four representatives from each side.

MR. BESLER: Yes.

MR. MANION: There are sixteen organizations. If you established a Board composed of four representatives on each side, there may be a shopman, a trainman, an engineer and track man on that Board representing the employees, and the case may come from a class that I represent, the telegraph operators—the station agents and firemen that come before that Board of men, those various classes as well as myself would hardly feel that they would be competent to pass upon cases that they are not sufficiently familiar with. They are not familiar with our duties to pass an intelligent decision upon our class of work.

MR. BESLER: I agree with you entirely. I would not have but four men, I would have three groups with their annually elected representatives and each group would meet with this Board just as the National Board existing in Washington, having the three Boards and three groups to meet with.

MR. JEWELL: That means sixteen employees' representatives, and sixteen railroads upon each individual railroad Board in this country.

MR. BESLER: No.

MR. JEWELL: That is what it virtually means.

MR. BESLER: How many have you in Washington?

MR. JEWELL: Four on Board 1; four on the Government Board; four representing the men; we have six on Board No. 2——

MR. BESLER: There is no reason why that could not be done.

MR. JEWELL: And four on Board No. 3.

MR. BESLER: No reason why that could not be done.

MR. JEWELL: And with a desire to place one on Board No. 1 and one on Board 3, which would be a very expensive proposition, and would not make for the maintenance of a consistent policy of these organizations, but would make rather for disruption, retarding and interference of it.

MR. BESLER: I cannot see why it would work that way.

MR. JEWELL: There is a possibility that you would have different decisions rendered by different Boards of Adjustment involving the application of possibly the same rule of employment.

MR. BESLER: If it is satisfactory to the men upon that road, isn't that what you are seeking?

MR. JEWELL: We are seeking a uniform application of uniform conditions.

MR. BESLER: Even if it be unsatisfactory to the men of that road?

MR. JEWELL: Not necessarily in the way you put it, "unsatisfactory to the men of that road." Their representatives will adjust differences by conference with the railroad officials.

MR. BESLER: I cannot quite follow you.

MR. SHEPPARD: Mr. Besler, we have all experienced, every one of us personally, and as representatives of other interests, times when we have to submerge what we think is desirable, to the common good. Uniformity for everybody rather than discrimination; the greatest good to the greatest number rather than special consideration to a special group.

THE CHAIRMAN: Now, Mr. Jewell, unless there is something further to be said, we will make our report to the Association of Executives, through Mr. Cuyler, at an early date, and you will either hear further from him, or from us through Mr. Binkerd.

MR. JEWELL: You may address me, until further notice, at 1505 American Bond & Mortgage Building, Chicago, Illinois. If I change those headquarters, I will notify you. I wish to say that I appreciate very much this conference.

MR. HUSTIS: Before we adjourn, I would like to ask: As I understand it, you are opposed to any Local Boards of Adjustment that would interfere with uniformity of rules and working conditions, but outside of that, there is no objection to the settlement of any questions that can be settled locally; am I correct in that, Mr. Jewell?

MR. JEWELL: I don't know whether we have made ourselves plain. We don't want to be misunderstood with reference to this question of Boards of Adjustment. We are opposed to any form of Boards of Adjustment other than those which will have national scope. We want settlements of differences between the employer and employee by conference through the authorized representatives of both parties, under the same program, under the same procedure as are now in existence and have been during Government control, under a National Board of Adjustment, and as existing with reference to conferences prior to and since Government control.

MR. HUSTIS: And your fear of Local Boards of Adjustment is that they may destroy uniformity?

MR. JEWELL: In addition to that, they would not make for the situation we have in mind, but on the contrary, they would destroy the peaceful conditions on railroads which we are all looking for.

MR. HUSTIS: Yes, that is what we are all looking for, of course.

MR. JEWELL: On the other hand, we are convinced

that it would make for anything but peace. To that extent it would be detrimental not only to us, but to the railroads and the public as well.

MR. YOUNG: May I suggest that you answer Mr. Hustis, that if the National Board of Adjustment were established now, would you have any objection to a Local Board of Adjustment handling the local cases of the B. & M. Railroad, for instance?

MR. JEWELL: We cannot conceive of any necessity for the Local Boards of Adjustment.

MR. YOUNG: Suppose the railroads and the men want to get together to that end, would there be any objection on the part of your organization to their doing so?

MR. JEWELL: The policy of the organization adopted by the rank and file is in opposition to anything but a National Board. That is the policy that has been passed to us by the rank and file of the organization.

MR. SHEPPARD: Mr. Young, all organizations provide for Local and General Boards of Adjustment. We are not talking about minimizing that at all.

MR. YOUNG: That is my understanding. I cannot get it clear. For instance, the Boston and Maine Railroad has a dispute, and that road wants to settle its own case on its own road, if it can; there is no objection to that, is there?

MR. HOLDEN: Gentlemen, if you don't have Local Boards of Adjustment, how are you going to curb the appealing of these insignificant minor cases, which you agree with us, ought not to go to any National Board? That is, as I see it, going to be the case. I have a right to assume, under Order No. 13, all these files passing through the office of the Chief Executive of the particular organization involved, and I don't believe that the executive officers of those organizations have the time to examine them,—every one of those files, and in a particular sense, we got the impression during the Federal control that the individual employee, however minor his case was, could and did appeal

it to Washington. That was a matter of local decision, but there wasn't any curbing or any checking by the chief officers of his organization as to whether the appeal should go or not. The language was written in there which provided for the O. K. of the chief officers, that that appeal could properly go, but a great many of the cases that went down there we would not want to charge you gentlemen with having approved the appeal.

I think we both feel that there ought to be some curb on the hasty and ill-advised appeal by both the railroads and the men relating to these minor matters,—small cases which ought not to be dignified by a national handling; how can you stop it?

MR. SHEPPARD: Let us have a clearing house or committee made up of this body today, that is a sort of sketchy idea, not fully planned out.

MR. YOUNG: When the Boards were first established under Order 13, all those cases were to go through the Division of Labor; on account of the accumulation of business and work in the Division of Labor, those cases were allowed to go through without being examined at first.

MR. HOLDEN: I knew that, but I did not want to mention it.

MR. YOUNG: Later on, we established between the Division of Labor a sort of clearing house, composed on one side by a representative of labor, and upon the other side a managerial representative, and these cases were passed then through the hands of these two men, and those properly belonging to various Boards were given to the Boards, and those which were not, were sent back to the railroads as not being within the jurisdiction of the Boards, and not proper questions to come before them. This became known largely as "Board No. 4." It is a very active Board, and is handling a great many cases now in Washington. In all probability, something of that kind would have to be established here so as to winnow out these cases. You will find there are no such cases coming to those

Boards that are not properly coming before them. Am I not correct?

MR. JEWELL: Yes, that is correct, but we could assist along that line with the suggestion that Mr. Sheppard made by assigning some specially chosen organization and giving it particular responsibilities or duties of approving or declining to approve every single grievance coming in, which is proposed to go to these Boards. In our department, we started to do that. We soon found ourselves snowed under by reason of inability to secure a man who had the authority to do that class of work, but we have tried to meet that situation by the selection of a man and the changing of our rules in such a manner, under proper authority of organization. We think those things are matters of detail that we can work out, and we must benefit by the experience we had in the past, and try to eliminate every unnecessary case of submission to the Board. Mr. Young suggests something which I have been thinking a good deal about. That is, the creation of some sort of clearing house to take the place of what he terms "Board No. 4," one man from the management, one man from labor, which would act as a clearing house between the railroads and the organizations on the one hand and the Boards on the other. Something of that kind must necessarily be worked out, it seems to me. But that again would be merely a detail which I believe these organizations are prepared to work out and meet in a practical way. It is a practical thing, and it seems to me that the functioning of that so-called Board No. 4 was not only very helpful, but very necessary.

MR. DOAK: Gentlemen, I just want to give you the benefit of a little bit of experience that I had as a member of one of these Boards. I would like to say that I am not an applicant for a position on a Board, if it is created. My observation and experience on the Board have convinced me that the reason that Board No. 1 had so many cases was because I know that these cases were not properly scrutinized by the chief executives. They did not

have an opportunity to do so. On the other hand, we found a great number of cases of passing the buck on both sides. I would be in a position to call a few names, if necessary, along that line. Some of these gentlemen did not try to settle these things, but I don't think any one has a thought of going into this new proposition and letting those conditions continue. The Board that I was on handled probably 2,100 cases. Some of them were so insignificant that they should not have ever been considered. I do think if we organize a Board it should be a National Board, and I think, from my observation, the only solution is a National Board and an organization so that there should be some form of clearing house to stop those abuses. I think it should be put up to the management of the respective lines to use every reasonable effort to settle these things and close them out.

It is very true that when we went on the Board, some of us had rather positive instructions as to what would be done with us if we didn't do thus and so. I don't know what effect it had on us, but we were able to agree on every case that came before the Board, but we only did it by meeting across the Board. We never had any private conferences nor caucuses. I don't believe that the managers ever discussed a case outside of the Board, and I am quite sure that our group did not. Everything was said across the table. We got a lot of cussing, but that is what is really expected. I do think that if these Boards are created, they should be created along the lines that these were. That is my judgment, that we should have some form of clearing house and each side should say to the men under them, "Now, you don't pass any more bucks. We are going to stop you. You make an honest effort to settle these cases," and you will be surprised, if that is carried out, to find the number of cases that would be cut off and would not go to the Board.

THE CHAIRMAN: Mr. Doak, may I ask you a question? Now, please don't misunderstand me, or think that I am going to try to trip you, because that is the last thing

in my mind. Are you or are you not opposed to Local Boards of Adjustment?

MR. DOAK: Really, I am opposed to it, General, because I don't think it would do any good, for this reason——

THE CHAIRMAN: No, I don't mean Local Board, going directly to the Labor Board, but I mean a Local Board settling a matter if they can settle it, without going to the National Board of Adjustment.

MR. DOAK: I will give you my reason for believing that that won't work. If you are going to have a Board on the system, you would certainly have officers of some importance on that Board. On the other hand, you are going to have employees of some importance on the Board. Under our present system, a man must take his case to his local and then it must be handled by his Local Committee, consisting of three men with the local officials up to and including the superintendent, and then if he wants to appeal, if it is not satisfactory, he goes to the general superintendent and must be appealed to the highest officer of the railroad.

THE CHAIRMAN: All right, then you get it to the General Manager and the General Committee, which is entirely within their province, to settle any question that may come to them by agreement.

MR. DOAK: Absolutely.

THE CHAIRMAN: Wait now, I am just trying to convince myself of something. Then they can decide almost any question as between themselves, that is decided in a mutually satisfactory way. May they not then, under existing conditions, establish non-uniform conditions or decisions quite as easily as if the System Board were in existence?

MR. DOAK: That is true.

THE CHAIRMAN: Mr. Jewell is thoroughly consistent, but what I don't understand is, is the inconsistency of anybody who advocates the settlement of all questions of settle-

ment of as many questions as he can, on your own railroads, among your own employees. Mr. Jewell is consistent in that he wants all questions settled by a National Board of Adjustment, because that means uniformity.

MR. DOAK: I understand, I think, Mr. Jewell's position, and I think you will understand my position if you will let me explain a little further. As I said before, an honest effort should be made, we should insist on that, to come to a proper understanding of these things. After you go to the highest operating officer of the company, a committee makes a settlement, and the man has a right to appeal to the convention, if the settlement is made which had a tendency to destroy uniformity and set aside the uniform practices of the country; by the terms of that settlement, they would have an unquestioned right, either through the Board of Directors of our organization or the convention itself, to set aside that decision; and that would not be possible for a Local Board of Adjustment to do.

THE CHAIRMAN: You know it would not be settled to the mutual satisfaction of the parties, unless it was better for the men.

MR. DOAK: Not always.

THE CHAIRMAN: I mean in a perfectly natural way.

MR. DOAK: Generally speaking, that is true.

THE CHAIRMAN: Your Board of Directors would never hear of that; they would go on until it became the established custom of the railroad that had made that settlement, until the next door neighbor that ran into the same terminal had something of that sort, because, as soon as he heard of it, he would go to his management and insist upon it. It is over on the Squeedunk now, and we want it on the Podunk.

MR. DOAK: I happen to be a member of the Board of Directors of our organization, and I know in a great many instances that those things happened—the appeal is taken.

THE CHAIRMAN: Mr. Jewell is perfectly consistent. Yet, if you grant Mr. Sheppard's position, that is, a settlement of problems in the old way, with your old men, through your old committees, there is that weakness that Mr. Jewell properly tries to prevent, assuming his position is right.

MR. SHEPPARD: I beg your pardon; we are not apart, for this reason——

THE CHAIRMAN: That is what I was going to say.

MR. SHEPPARD: I see what the General has in mind. Usually if the management and committee agree upon something outside of standard, it is a trading proposition. Now, the temptation to do that is general. The men engaging in it, who are on the committee, might think that they are profiting by that, and on the other hand, it might be an honorable transaction, thinking that the trade was advantageous to all parties concerned, when as a matter of fact oftentimes an exchange is made to the detriment, if not to the men on that particular road, it is to the men on the adjoining roads. That is why we try to keep a check in that regard. On the other hand, if it is a minor proposition, with no principle involved, or no standard, we are perfectly willing for them to do those things; but as a general proposition, we don't want them to do it. I have a case in mind on one railroad, for example. It involved the short turn-around rule for passenger service conductors and trainmen, which is in almost universal usage, and yet a committee composed of men who approved of something else went in and lost an important feature of that turn-around rule, which had been handed down to us, and which had been in general use and in vogue since 1913, and we exchanged it; in spite of that committee, composed of passenger conductors, who thought they had something better to the passenger class, came in and traded it away. You can see, I am not accusing anybody of wrongdoing. They thought it was better for them. But those kind of things, we all insist, must be kept a little bit in check, because immediately that was done, an appeal cropped up through

the organization. Then we were in a position whereby the railroad management, which in good faith agreed to that change, was called upon to change back again. We want to keep away from those kind of things as much as we can.

MR. JEWELL: Mr. Doak, just for the sake of the record, I want to ask one question: I got your statement, which was that you had certain instructions from the Board of Adjustment; do you care to say where you got those instructions? Some one might assume that some one in the organization gave you instructions when you were appointed.

MR. DOAK: Mr. Sheppard referred to them, and that is the reason I spoke about it.

MR. SHEPPARD: Injunctions laid on us on the part of the Director General——

MR. DOAK: We were told that there were so many cases on appeal, and where we were reversed a certain number of times would mean that we were to be removed from the Board. My president told me when I was appointed on the Board that I was answerable only to my own conscience. Further than to say that on appeal where we hung up so many decisions,—I don't know how many were fixed,—and the Director General when he made his final decision reversed us, it was time to make a change. That is what I understood Mr. Sheppard referred to. That is the reason I referred to it. But so far as telling me what to do, other than that, I had no instructions whatsoever.

THE CHAIRMAN: And now, gentlemen, we will take the matters that have come up at this meeting under consideration, and, as I stated before, will report to you at the address which Mr. Jewell gave Mr. Binkerd.

Whereupon the conference adjourned.

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